

ments may be paid out of the general fund or any available funds or may be levied in excess of any tax limitation imposed by statute. However, for school districts, the costs shall be included in the district management levy as provided in section 296.7 if the district has certified a district management levy. If the district has not certified a district management levy, the cost shall be paid from the general fund. Any independent or autonomous board or commission in the municipality having authority to disburse funds for a particular municipal function without approval of the governing body may similarly enter into insurance agreements, procure liability insurance, adopt a self-insurance program, or join a local government risk pool within the field of its operation.

2. The procurement of this insurance constitutes a waiver of the defense of governmental immunity as to those exceptions listed in section 670.4 to the extent stated in the policy but shall have no further effect on the liability of the municipality beyond the scope of this chapter, but if a municipality adopts a self-insurance program or joins and pays funds into a local government risk pool the action does not constitute a waiver of the defense of governmental immunity as to the exceptions listed in section 670.4.

3. The existence of any insurance which covers in whole or in part any judgment or award which may be rendered in favor of the plaintiff, or lack of any such insurance, shall not be material in the trial of any action brought against the governing body of a municipality, or its officers, employees, or agents and any reference to such insurance, or lack of insurance, is grounds for a mistrial. A self-insurance program or local government risk pool is not insurance and is not subject to regulation under chapters 505 through 523C.

4. The association of county fairs as defined in section 174.1, or a fair,³ shall be deemed to be a municipality as defined in this chapter only for the purpose of joining a local government risk pool as provided in this section.

Approved May 7, 2008

CHAPTER 1140

ALZHEIMER'S DISEASE SERVICES

S.F. 2341

AN ACT relating to Alzheimer's disease and similar forms of irreversible dementia.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION.** 135.154 ALZHEIMER'S DISEASE SERVICE NEEDS.

1. The department shall regularly analyze Iowa's population by county and age to determine the existing service utilization and future service needs of persons with Alzheimer's disease and similar forms of irreversible dementia. The analysis shall also address the availability of existing caregiver services for such needs and the appropriate service level for the future.

2. The department shall modify its community needs assessment activities to include questions to identify and quantify the numbers of persons with Alzheimer's disease and similar forms of irreversible dementia at the community level.

3. The department shall collect data on the numbers of persons demonstrating combative behavior related to Alzheimer's disease and similar forms of irreversible dementia. The department shall also collect data on the number of physicians and geropsychiatric units available in the state to provide treatment and services to such persons. Health care facilities that serve such persons shall provide information to the department for the purposes of the data collection required by this subsection.

³ See chapter 1191, §132 herein

4. The department's implementation of the requirements of this section shall be limited to the extent of the funding appropriated or otherwise made available for the requirements.

Sec. 2. NEW SECTION. 231.62 ALZHEIMER'S DISEASE SERVICES AND TRAINING.

1. The department shall regularly review trends and initiatives to address the long-term living needs of Iowans to determine how the needs of persons with Alzheimer's disease and similar forms of irreversible dementia can be appropriately met.

2. The department shall act within the funding available to the department to expand and improve training and education of persons who regularly deal with persons with Alzheimer's disease and similar forms of irreversible dementia. Such persons shall include but are not limited to law enforcement personnel, long-term care resident's advocates, state employees with responsibilities for oversight or monitoring of agencies providing long-term care services, and workers and managers in services providing direct care to such persons, such as nursing facilities and other long-term care settings, assisted living programs, elder group homes, residential care facilities, adult day facilities, and home health care services. The actions shall include but are not limited to adopting rules.

3. The department shall adopt rules in consultation with the direct care worker task force established pursuant to 2005 Iowa Acts, chapter 88, and in coordination with the recommendations made by the task force, to implement all of the following training and education provisions:

a. Standards for initial hours of training for direct care staff, which shall require at least eight hours of classroom instruction and at least eight hours of supervised interactive experiences.

b. Standards for continuing and in-service education for direct care staff, which shall require at least eight hours annually.

c. Standards which provide for assessing the competency of those who have received training.

d. A standard curriculum model for the training and education. The curriculum model shall include but is not limited to the diagnosis process; progression of the disease; skills for communicating with persons with the disease, family members and friends, and caregivers; daily life skills; caregiver stress; the importance of building relationships and understanding personal histories; expected challenging behaviors; nonpharmacologic interventions; and medication management.

e. A certification process which shall be implemented for the trainers and educators who use the standard curriculum model.

4. The department shall conduct a statewide campaign to educate health care providers regarding tools and techniques for early detection of Alzheimer's disease and similar forms of irreversible dementia so that patients and their families will better understand the progression of such disease.

5. Within the funding available, the department shall provide funding for public awareness efforts and educational efforts for agencies providing long-term care services, direct care workers, caregivers, and state employees with responsibilities for providing oversight or monitoring of agencies providing long-term care services. The department shall work with local Alzheimer's disease association chapters and other stakeholders in providing the funding.

Sec. 3. IMPLEMENTATION. The department of elder affairs shall implement on or before July 1, 2010, the initial provisions for expanding and improving training and education of those who regularly deal with persons with Alzheimer's disease and similar forms of irreversible dementia and for providing funding for public awareness efforts and educational efforts in accordance with section 231.62, as enacted by this Act.

Approved May 7, 2008

CHAPTER 1141**MANAGEMENT OF COOPERATIVE ASSOCIATIONS***S.F. 2348*

AN ACT relating to the management of cooperative associations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 499.36A STANDARDS OF CONDUCT FOR DIRECTORS.

1. A director shall discharge the duties of the position of director in good faith, in a manner the director reasonably believes to be in the best interests of the association, and with the care that a person in a like position would reasonably believe appropriate under similar circumstances. A person who so performs those duties is not liable by reason of being or having been a director of the cooperative.¹

2. a. A director is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, in each case prepared or presented by any of the following:

(1) One or more officers or employees of the association whom the director reasonably believes to be reliable and competent in the matters presented.

(2) Legal counsel, public accountants, or other persons as to matters that the director reasonably believes are within the person's professional or expert competence.

(3) A committee of the board upon which the director does not serve, duly established by the board as to matters within its designated authority, if the director reasonably believes the committee to merit confidence.

b. Paragraph "a" does not apply to a director who has knowledge concerning the matter in question that makes the reliance otherwise permitted by that paragraph unwarranted.

3. A director who is present at a meeting of the board when an action is approved by the affirmative vote of a majority of the directors present is presumed to have assented to the action approved, unless any of the following applies:

a. The director objects at the beginning of the meeting to the transaction of business because the meeting is not lawfully called or convened, and does not participate in the meeting after the objection, in which case the director is not considered to be present at the meeting for any purpose of this chapter.

b. The director votes against the action at the meeting.

c. The director is prohibited by a conflict of interest from voting on the action.

4. In discharging the duties of a director, the director may, in addition to consideration of the effects of any action on the association and its members, consider any or all of the following community interest factors:

a. The effects of the action on the association's employees, suppliers, creditors, and customers.

b. The interests of and effects on communities and the cooperative system in which the association and its members operate.

c. The long-term as well as short-term interests of the association and its members, including the possibility that these interests may be best served by the continued independence of the association.

Sec. 2. NEW SECTION. 499.37A STANDARDS OF CONDUCT FOR OFFICERS.

1. An officer, when performing in such capacity, shall act in conformity with all of the following:

a. In good faith.

b. With the care that a person in a like position would reasonably exercise under similar circumstances.

c. In a manner the officer reasonably believes to be in the best interests of the association.

¹ According to enrolled Act; the word "association" probably intended